

# Court Refuses to Revive

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The Supreme Court refused yesterday to hear a petition by Sen. Thomas J. Dodd (D-Conn.) for reinstatement of his \$1-million damage suit against columnists Drew Pearson and Jack Anderson.

The Court left standing a lower court ruling that the Senator had no valid claim against the columnists who published information taken from the senator's private files by Dodd employees.

Dodd's lawyers had asked the Supreme Court to hear the case as a test of a public official's right to be protected against such incursions, and of the limits to be placed on newsmen's tactics. Chief Justice Earl Warren, a longtime friend of Pearson, did not participate in the consideration of the request.

Dodd was censured by the Senate two years ago this month, partly on the basis of charges by Pearson and Anderson that he had spent campaign contributions for his private use.

Dodd sued in U.S. District Court here, seeking \$5 million on charges of libel, invasion of privacy and "wrongful conversion" of his private property. He later dropped the libel count and reduced his damage claim to \$1 million.

Based on facts submitted by both sides, the District Court threw out the invasion of privacy count, but ruled that the Senator could press his claim of "wrongful conversion" — unlawful use of his property.

The U.S. Court of Appeals here upheld the lower court on the invasion of privacy issue, but overruled it on the

conversion question, noting that the facts showed no actual participation in any thefts by the columnists.

That ruling eliminated the last of Dodd's claims against them.

In their petition for review, Dodd's lawyers said the issue was "whether public officials shall have effective remedies against eavesdropping, electronic surveillance and other intrusions into the privacy of

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their homes, conference rooms and offices," or whether they must always assume their private communications may be intercepted and published "with impunity."

Sources close to the case

said that it is still theoretically possible for the Senator to seek a trial by claiming that some facts are in dispute, but said such a course was unlikely.